

Request for Clean Water Act Section 401 Water Quality Certification Washington State Department of Ecology Phone: (360) 407-6076 or E-mail: ecyrefedpermits@ecy.wa.gov

AGENCY USE ONLY Date Received: 6/20/2024 Aquatics ID No.: 143789 County: Whatcom Complete Request:9/19/2024

This Section 401 Water Quality Certification (WQC) request form must be submitted as part of a WQC request and identifies information needed for review. Please see Department of Ecology's (Ecology) <u>webpage</u>¹ for more information about the WQC request process and additional information regarding the request requirements.

Submit this WQC Request form along with the supporting information² to <u>ecyrefedpermits@ecy.wa.gov</u>.

Request packages should be sent in by email, mail submissions will not be accepted. Supporting information should not be consolidated into one large file, if your documents are consolidated into one file, please separate them before submitting.

Per the 2023 EPA Water Quality Certification rule, the certifying authority may identify the contents of a request for certification relevant to water quality related impacts from the activity. Items listed in Section D are always required for a complete application. If notified by Ecology prior to submittal of this request, items listed in Section E are also required. If this information has been provided to Ecology as part of your federal permit application, you do not need to submit them again. However, please indicate in Section D how they were provided. Ecology will provide acknowledgement of receipt of a complete WQC request to the project proponent. Once Ecology confirms we have received all the required information, our review time will begin.

A. Project Information

-		
Project Name:		
Ecology Aquatics ID Number:		
Project Location (Please attach a pro	ject location map wh	nen submitting this form):
Project Address:	County:	
B. Federal Permit or License Reference	e Number, if known:_	
Federal Agency: 🗆 U.S. Army Corps of E	ngineers (Corps)	U.S. Coast Guard
Federal Energy Regu	latory Commission	Environmental Protection Agency (EPA)
Identify the U.S. Army Corps permit, if a	pplicable: 🗆 Nation	wide Permit 🗆 Individual 🗆 Other:
If Nationwide Permit which one(s)? NWI	P(s) #	

Si necesita este formulario en español, por favor, llámenos a (360) 407-6076 o envíenos un correo electrónico a: <u>ecyrefedpermits@ecy.wa.gov</u>

¹ https://ecology.wa.gov/Regulations-Permits/Permits-certifications/401-Water-quality-certification

² To submit documents over 25MB, e-mail <u>ecyrefedpermits@ecy.wa.gov</u> to request a secure link. Ecology does not accept outside links. Please include the Aquatics ID and project name when requesting a link.

To request an ADA accommodation, contact Ecology by phone at (360) 407-6076 or email at <u>ecyrefedpermits@ecy.wa.gov</u>, or visit <u>https://ecology.wa.gov/accessibility</u>. For Relay Service or TTY call 711 or 877-833-6341.

C. Was a Pre-Filing Meeting Request submitted to Ecology prior to submitting this WQC request?

□ Yes, a pre-filing meeting request was submitted on date: _____

D. Required for all projects requesting an individual WQC. Please check the boxes below indicating where the following documents can be found within this WQC request.

Tonowing documents can be found		-		• •
	Within WQC request	Within federal permit application	Previously submitted to Ecology and is still up to date	Notes to find information within the submission
Copy of the federal permit application package for the federal permit or license				
Complete up to date JARPA or other accepted application form			□ Date:	
Status of State Environmental Policy Act (SEPA) determination and/or exemption			□ Date:	
Project location map and drawings			□ Date:	
Best management practices (BMPs)			□ Date:	
Construction methodologies			Date:	
Requirements for In-Water Work				
Water quality monitoring plan			□ Date:	
Aquatic resource avoidance and minimization identified (e.g. eelgrass)			Date:	
Riparian revegetation, restoration, and management			□ Date:	
Requirements for Work in Wetlands				
Wetland delineation report			□ Date:	
Wetland data sheets			□ Date:	
Wetland ratings			□ Date:	
Wetland mitigation plan for wetland, stream, and/or other aquatic resources			□ Date:	
Riparian planting and monitoring and measures			□ Date:	
Wetland mitigation, avoidance, and minimization			□ Date:	

E. Required by project type or when identified by Ecology. Please check the boxes below indicating where the following documents can be found within this WQC request.

	Within WQC request	Within federal permit application	Previously submitted to Ecology and is still up to date	Notes to find information within the submission
Mitigation				
Wetland mitigation bank use plan			🗆 Date:	
In-lieu (ILF) use plan			□ Date:	
Water Quality Monitoring				
Water quality monitoring and protection plan			Date:	
Spill prevention control and countermeasures plan			□ Date:	
Upland Work				
Erosion and sediment control plan			□ Date:	
Stormwater pollution prevention plan			□ Date:	
De-Watering				
Flow diversion, cofferdam, and dewatering system plan			□ Date:	
Stream bypass plan			□ Date:	
Water dispersion/ infiltration plan			□ Date:	
Culverts and Bridges				
Bridge demolition and construction plan			□ Date:	
Culvert removal and replacement plan			□ Date:	
Dredging				
Dredging and excavation plans			Date:	
Suitability determination			□ Date:	
Soils testing and characterization reports			□ Date:	
Other				
Stone column installation plan			□ Date:	
Horizontal direction drill (HDD) inadvertent return plan			□ Date:	
Levee repair and bank stabilization plan			□ Date:	
Piling removal and installation plan			□ Date:	

Wastewater servicing for marina		:	🗆 Date:		-
operations	÷				:
Aquatic invasive species			🗆 Date:		:
management plan	1		1	1	

F. Project Proponent Information

Project Proponent

First/Last Name: Steve Lavine

Organization: Point Roberts Marina

Phone #: (360) 945-2255

Agent/Consultant

First/Last Name: Jacquie Ptacek

Organization: Anchor QEA

Phone #: (206) 971-2690

E-mail: jptacek@anchorqea.com

E-mail: slavine@pointrobertsmaring

G. Required Certification Statements:

The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief.

The project proponent hereby requests that the certifying authority review and take action on this WQC request within the applicable reasonable period of time.

Signature: <u>Steve Lavine</u> Date 6-5-24





District

Date r

	AGENCY USE ONLY
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e	

Application (JARPA) Form^{1,2} [help]

Joint Aquatic Resources Permit

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

Agency reference #:	-
Tax Parcel #(s):	-
	-

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]

Point Roberts Marina Annual Bypass Dredging and Beach Nourishment Project

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)						
Lavine, Steve						
2b. Organization (If app	olicable)					
Point Roberts Resort,	LP					
2c. Mailing Address (S	2c. Mailing Address (Street or PO Box)					
713 Simundson Drive	713 Simundson Drive					
2d. City, State, Zip						
Point Roberts, WA 98281						
2e. Phone (1)	2f. Phone (2)	2g. Fax	2h. E-mail			
(360) 945-2255			slavine@pointrobertsmarina.com			

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

¹Additional forms may be required for the following permits:

[•] If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.

[•] Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

²To access an online JARPA form with [help] screens, go to <u>http://www.epermitting.wa.gov/site/alias</u> resourcecenter/jarpa jarpa form/9984/jarpa form.aspx.

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)						
Ptacek, Jacquie						
3b. Organization (If ap	plicable)					
Anchor QEA						
3c. Mailing Address (S	3c. Mailing Address (Street or PO Box)					
1201 3rd Avenue, Sui	1201 3rd Avenue, Suite 2600					
3d. City, State, Zip						
Seattle, WA 98101						
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail			
(206) 971-2690			jptacek@anchorqea.com			

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

- \boxtimes Same as applicant. (Skip to Part 5.)
- □ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- □ There are multiple upland property owners. Complete the section below and fill out <u>JARPA Attachment A</u> for each additional property owner.
- ☑ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete <u>JARPA Attachment E</u> to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)						
4b. Organization (If app	licable)					
4c. Mailing Address (St	reet or PO Box)					
4d. City, State, Zip						
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail			

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

□ There are multiple project locations (e.g. linear projects). Complete the section below and use <u>JARPA</u> <u>Attachment B</u> for each additional project location.

5a. Indicate the type of o	wnership	of the property.	(Check all that apply.) [help]				
⊠ Private							
□ Federal	Federal						
Publicly owned (state, or	ounty, city, s	special districts like s	schools, ports, etc.)				
🗆 Tribal							
Department of Natural	Resource	es (DNR) – mana	aged aquatic lands (Complete <u>s</u>	JARPA Attachment E)			
5b. Street Address (Cann	ot be a PO I	Box. If there is no ad	dress, provide other location informat	ion in 5p.) [<mark>help</mark>]			
713 Simundson Drive							
5c. City, State, Zip (If the p	project is not	t in a city or town, pr	ovide the name of the nearest city or	town.) [<mark>help</mark>]			
Point Roberts, WA 98281							
5d. County [help]							
Whatcom							
5e. Provide the section, t	ownship,	and range for the	e project location. [help]				
1⁄4 Section	Section		Township	Range			
NW, NE	10		40N	3W			
 5f. Provide the latitude and longitude of the project location. [help] Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83) 							
48.97508 N lat. / -123.06	318 W lon	g.					
5g. List the tax parcel nuThe local county asse	``'						
405310328320, 4053104	70383, 40	5310434391, 40	5310343478, 405310374333				
5h. Contact information f	or all adjo	ining property ov	vners. (If you need more space, use	JARPA Attachment C.) [help]			
Name			Mailing Address	Tax Parcel # (if known)			
		1603 Edwards Drive		405040007004			
Christopher H Patterson		Point Roberts,	WA 982810-8511	405310307331			
Jodi L Pelling Trust		136-5700 Andr	ews Road				
Jodi L Pelling & Jennifer Terrell/TR		Richmond, BC	V7E 6N7	405310312332			
Christopher M Hall		336 36th Stree	t #511	405310318333			
Elizabeth M Lewis Trust/	TR	Bellingham, W	A 98225-6523				
Erik J Mattern Trust/TR		1901 Yacht Ma	ria	405310324334			
		Newport Beach	n, CA 92660-6712				

5i. List all wetlands on or adjacent to the project location. [help]

The project location is designated as an Estuarine and Marine Wetland by the National Wetlands Inventory (USFWS 2024). It is a marine intertidal environment consisting of unconsolidated shore and is exposed by incoming and outgoing tides.

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

The Strait of Georgia is adjacent to the project location.

5k. Is any part of the project area within a 100-year floodplain? [help]

 \boxtimes Yes \Box No \Box Don't know

51. Briefly describe the vegetation and habitat conditions on the property. [help]

The project location is a largely developed residential area fronting a beach. Vegetation includes residential grasses and landscaping with driftwood logs along the beach. The Strait of Georgia contains habitat for aquatic species, birds, mammals, and other wildlife. Previous site surveys have observed aquatic vegetation adjacent to the west harvest area such as bull kelp (*Nereocystis luetkeana*) and *Laminaria* sp. below -3 feet mean lower low water (MLLW) and eelgrass at lower elevations. Adjacent to the east harvest area, eelgrass was observed in fine sandy sediments between elevations -0.5 to -2 feet MLLW.

5m. Describe how the property is currently used. [help]

Point Roberts Marina is used for boat moorage, maintenance, and recreation. The location is developed with residential properties and a resort.

5n. Describe how the adjacent properties are currently used. [help]

Adjacent properties are residential and the Strait of Georgia is used for fishing, marine transportation, recreation, and wildlife habitat.

50. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

The marina contains 900 slips, a fuel dock, boat launch, and clubhouse but these facilities are not located within the area where dredging will occur. There are no structures above or below ground in areas proposed to be dredged.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

From Delta BC Canada, head east on BC-99S, then take Exit 23 for 80 Street. Turn right onto Ladner Trunk Road, then use the left two lanes to turn left onto BC-17A (signs for Island Ferries/Tsawwassen/BC-17S). Take the ramp onto BC-17. Use the left two lanes to turn onto 56 Street to enter Washington State, USA. Continue onto Tyee Drive, then turn right to remain on Tyee Drive. Turn left onto APA Road, then turn right onto Simundson Drive. Follow Simundson Drive to the Point Roberts Marina; the destination is on the right.

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]								
Point Roberts Marina performs annual bypass dredging operations in the areas east and west of the marina entrance channel to maintain the natural transport of sediments along the shoreline (Figures 1 and 2). Approximately 3,000 to 7,500 (and up to 10,000 cubic yards [cy]) of sediment will be dredged during low tide, stockpiled in a flat upland location, then trucked to the beach on the west side of the marina entrance channel for beach nourishment. The marina is seeking the necessary permits and approvals to allow maintenance dredging to occur annually for 10 years.								
6b. Describe the purpose of	the project and why you war	nt or need to perform it. [help]					
The purpose of the Project is to maintain the natural transport of sediments along the shoreline. The entrance structures partially interrupt the net westward flow of beach sediments which are fed from nearby sea-cliffs and traverse the marina site. As a result, 3,000 to 7,500+ cy (with a maximum of 10,000 cy) of beach material is trapped adjacent to the marina's entrance each year. Without dredging, these sediments build up along the eastern end of the marina entrance while the western beach erodes. To mitigate erosion, Whatcom County required the original marina developer to implement a permanent sediment bypassing operation. This mitigation measure is designed to maintain, on a permanent basis, the normal littoral transport of native beach materials along the south shore of Point Roberts and to provide forage fish habitat.								
6c. Indicate the project cate	gory. (Check all that apply) [help]							
□ Commercial □ R	esidential 🛛 🗆 Instituti	onal 🛛 🗆 Transportatio	on 🗆 Recreational					
⊠ Maintenance ⊠ E	nvironmental Enhancement							
6d. Indicate the major eleme	ents of your project. (Check all	that apply) [help]						
 Aquaculture Bank Stabilization Boat House Boat Launch Boat Lift Bridge Bulkhead Buoy Channel Modification 	 Culvert Dam / Weir Dike / Levee / Jetty Ditch Dock / Pier Dredging Fence Ferry Terminal Fishway 	 Float Floating Home Geotechnical Survey Land Clearing Marina / Moorage Mining Outfall Structure Piling/Dolphin Raft 	 Retaining Wall (upland) Road Scientific Measurement Device Stairs Stormwater facility Swimming Pool Utility Line 					
⊠ Other: Beach nourishment								

6e.	Describe how you plan to construct each project element checked in 6d. Include specific construction	n
	methods and equipment to be used. [help]	

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Dredging will occur in the east and west harvest areas during an approximate 1-week period during the agency-approved in-water work window, which is expected to be between July 1 to January 14 each year. Dredging will be land-based and will occur within the 100-year floodplain, as will beach nourishment. Specific equipment to be used will be determined by the contractor prior to project commencement but is expected to include bulldozers, backhoes, and trucks for sediment transport. Dredged material will be pushed to the stockpiling area, likely using bulldozers, before it is loaded into trucks and transported to the beach nourishment area on the beach west of the marina entrance. Stockpiling of sediments prior to transport will be in an open area just south of the Point Roberts Marina building and parking lot. The staging areas will be upland within the marina property.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]

٠	If the project will be constructed in phases or stages, use <u>JARPA Attachment D</u> to list the start and end dates of each phase
	or stage.

Start Date: November 2024 End Date: December 2024

See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

\$150,000

6h. Will any portion of the project receive federal funding? [help]

- If yes, list each agency providing funds.
- \Box Yes \boxtimes No \Box Don't know

Part 7–Wetlands: Impacts and Mitigation

□ Check here if there are wetlands or wetland buffers on or adjacent to the project area.

(If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]			
□ Not applicable			
7b. Will the project impact wetlands? [help]			
□ Yes □ No □ Don't know			
7c. Will the project impact wetland buffers? [help]			
□ Yes □ No □ Don't know			

 7d. Has a wetland delineation report been prepared? [help] If Yes, submit the report, including data sheets, with the JARPA package. 						
	report, including a		е ЈАКРА раска	ye.		
7e. Have the wetlands System? [help]		ing the Westerr	· ·		ashington We	tland Rating
	plan with the JAR	lan to compens PA package and ar low why a mitigatio	nswer 7g.		s to wetlands?	[help]
🗆 Yes 🛛 No	🗆 Don't know					
7-0						
7g. Summarize what used to design the	• •	ian is meant to	accomplish,	and describe r	iow a watersh	ed approach was
 7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help] 						
Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type⁴	Wetland mitigation area (sq. ft. or acres)
		outegoly	A0163)			uures/
 ¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report. ² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package. ³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable. ⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B) Page number(s) for similar information in the mitigation plan, if available: 						

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the an	nount in
cubic yards that will be used, and how and where it will be placed into the wetland. [help]	

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment	
[help]	

□ Not applicable

Conservation measures and best management practices have been incorporated into the Project design to the extent practicable to avoid or minimize potential impacts to the aquatic environment. The following will be implemented during construction to avoid or minimize exposure of sensitive species to potential effects from the Project.

- Applicable permits for the Project will be obtained prior to construction. Work will be performed according to the requirements and conditions of these permits.
- A forage fish survey will be conducted before the start of work to ensure that there are no forage fish eggs in the beach substrate.
- All trenches, depressions, or holes created in the intertidal area should be backfilled prior to inundation by tidal waters.
- The contractor will inspect fuel hoses, oil or fuel transfer valves, and fittings on a regular basis for drips or leaks to prevent spills into the surface water.
- The contractor will be responsible for the preparation and implementation of a spill plan to be used for the duration of the Project. The plan will outline roles and responsibilities, notifications, inspections, and response protocols to be implemented in the event of a spill.
- Excess or waste materials will not be disposed of or abandoned waterward of the ordinary high water mark or allowed to enter waters of the state.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

 \boxtimes Yes \square No

	arad a mitigation	nlan ta compon	acts for the p	raiaat'a advaraa impaata	to non watland
waterbodies?	•	i pian to compen	isate for the p	roject's adverse impacts	to non-wetland
-		RPA package and a	answer 8d.		
• If No, or Not a	applicable, explain l	below why a mitigati	on plan should n	ot be required.	
🗆 Yes 🛛 No	Don't kno	w			
Annual bypass dredging of the marina entrance channel and beach nourishment are mitigation actions to provide habitat for forage fish spawning and to maintain littoral drift along the shoreline. The project will help to restore the natural sediment transport processes that are limited by the development of the marina facilities. Best management practices are incorporated to minimize potential temporary impacts caused by work during the construction window; any impacts on waterbodies, such as increased turbidity, would be temporary and limited.					
8d. Summarize whused to design		plan is meant to	accomplish.	Describe how a watersh	ed approach was
If you already	completed 7g you d	o not need to restate	e your answer he	re. [<u>help]</u>	
Not applicable					
8e. Summarize im	pact(s) to each v	vaterbody in the	table below. [help]	
Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Bypass dredging	Strait of Georgia	Adjacent, along the beach, within 100-year floodplain	1-week window between July 1 and January 14	Approximately 3,000 to 7,500 cy (up to 10,000 cy)	West harvest area: Approx. 18,500 sq. ft. East harvest area: Approx. 112,500 sq. ft.
Beach Nourishment	Strait of Georgia	Adjacent, along the beach, within 100-year floodplain	1-week window between July 1 and January 14	Approximately 3,000 to 7,500 cy (up to 10,000 cy)	Approximately 60,000 sq. ft.
 ¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided. ² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain. ³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable. 					
8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]					
Beach material obt 8g.	ained during dre	dging activities v	vill be used as	beach nourishment as	described below in

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

The Project includes bypass dredging of approximately 3,000 to 7,500 cy of sediment to be removed, with a maximum volume of 10,000 cy to be removed annually. During low tides within the east harvest area, bulldozers are used to push accumulated beach sediments up the beach and into a transfer stockpile located on a flat upland site. Material is placed into trucks and driven to the beach nourishment site. Trucks dump the sediments in the beach nourishment area and small bulldozers spread the material onto marina-owned tidelands to an elevation of no lower than the +5.1 tide elevation per Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval conditions. In the west harvest area, bulldozers push sediments westward and distribute it along the eastern end of the beach nourishment site.

8h. Have you prepared a Water Quality Monitoring Plan (WQMP) for all in-water work (below ordinary high water), over water work or discharges to waters of the state?

□ Yes ⊠ No

If NO describe the monitoring that you will be conducting including parameters, equipment and locations, or explain why monitoring will not be necessary. [help]

Project activities will occur only during low tides, on tidal flats. All dredging would occur from land-based equipment and no equipment will operate in water.

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]				
Agency Name	Contact Name	Phone	Most Recent Date of Contact	
USACE	Lydia Baldwin	(360) 399-8034	March 2024	
USACE (DMMO Representative)	Brian Hester	(206) 764-6083	March 2024	
Ecology	Laura Inouye	(360) 515-8213	March 2024	
WDFW	Elizabeth Tate	(360) 826-2665	March 2024	

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- If Yes, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <u>https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d</u>.

 \Box Yes \boxtimes No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

• Go to <u>http://cfpub.epa.gov/surf/locate/index.cfm</u> to help identify the HUC.

171100020105

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]
Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.
WRIA 1: Nooksack
 9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help] Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the
standards.
□ Yes □ No ⊠ Not applicable
 9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help] If you don't know, contact the local planning department. For more information, go to: https://ecology.wa.gov/Water-Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.
□ Urban □ Natural □ Aquatic □ Conservancy ⊠ Other: <u>Urban resort and shoreline residential</u>
 9g. What is the Washington Department of Natural Resources Water Type? [help] Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.
🛛 Shoreline 🛛 Fish 🗌 Non-Fish Perennial 🗌 Non-Fish Seasonal
 9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help] If No, provide the name of the manual your project is designed to meet.
🛛 Yes 🗆 No
Name of manual:
 9i. Does the project site have known contaminated sediment? [help] If Yes, please describe below.
\Box Yes \boxtimes No
9j. If you know what the property was used for in the past, describe below. [help]
The marina was constructed in the late 1970s and has been in operation since that time.
 9k. Is the project located in or adjacent to a designated state or federal contaminated site or clean-up site. (e.g. MTCA or CERCLA)? If Yes, provide any additional details below.
 91. Has a cultural resource (archaeological) survey been performed on the project area? [help] If Yes, attach it to your JARPA package.

9m. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

The following Endangered Species Act-listed species may occur in or near the project area:

- Marbled murrelet (*Brachyramphus marmoratus*)
- Bull trout (Salvelinus confluentus)
- Puget Sound Chinook salmon (Oncorhynchus tshawytscha)
- Puget Sound steelhead (O. mykiss)
- Southern Resident Killer Whale (Orcinus orca)
- Humpback whale (*Megaptera novaeangliae*)
- Bocaccio (Sebastes paucispinus)
- Yelloweye rockfish (*S. ruberrimus*)

9n. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]

WDFW's Priority Habitats and Species map identifies the following species and habitat occurrence in or near the Project area (WDFW 2024):

- Surf smelt (*Hypomesus pretiosus*)
- Dungeness crab (*Cancer magister*)
- Pacific herring (Georgia Basin distinct population segment; Clupea pallasii)

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <u>http://apps.oria.wa.gov/opas/</u>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or <u>help@oria.wa.gov</u>.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]
 For more information about SEPA, go to https://ecology.wa.gov/regulations-permits/SEPA-environmental-review.
\Box A copy of the SEPA determination or letter of exemption is included with this application.
A SEPA determination is pending with <u>Whatcom County</u> (lead agency). The expected decision date is <u>Fall 2024</u> .
□ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]
 This project is exempt (choose type of exemption below). Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?
□ Other:
□ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]
LOCAL GOVERNMENT
Local Government Shoreline permits:
Substantial Development Conditional Use Variance
☑ Shoreline Exemption Type (explain): <u>Normal maintenance or repair of existing structures or developments</u> per Whatcom County Code Chapter 23.60.022(B)
Other City/County permits:
Floodplain Development Permit Critical Areas Ordinance
STATE GOVERNMENT
Washington Department of Fish and Wildlife:
☐ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – <u>Attach Exemption Form</u>
Washington Department of Natural Resources:
\boxtimes Aquatic Use Authorization
Complete <u>JARPA Attachment E</u> and submit a check for \$25 payable to the Washington Department of Natural Resources.
Do not send cash.
Washington Department of Ecology:
⊠ Section 401 Water Quality Certification
Authorization to impact waters of the state, including wetlands (Check this box if the proposed impacts are to waters not subject to the federal Clean Water Act)
FEDERAL AND TRIBAL GOVERNMENT
United States Department of the Army (U.S. Army Corps of Engineers):
\boxtimes Section 404 (discharges into waters of the U.S.) \square Section 10 (work in navigable waters)
United States Coast Guard: For projects or bridges over waters of the United States, contact the U.S. Coast Guard at:
Bridge Permit: D13-SMB-D13-BRIDGES@uscg.mil
□ Private Aids to Navigation (or other non-bridge permits): D13-SMB-D13-PATON@uscg.mil
United States Environmental Protection Agency:
□ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)
Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)
□ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. 5L (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. SL (initial)

Steve Lavine	Stychen Lexing	6-5-24
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Jacquie Ptacek	Jacquela ptacen	06/03/2024	
Authorized Agent Printed Name	Authorized Agent Signature	Date	

11c. Property Owner Signature (if not applicant) [help]

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Stephen LAvine Property Owner Printed Name

Property Owner Signature

6-5-24

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043, People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018

References

USFWS (U.S. Fish and Wildlife Service), 2024. National Wetlands Inventory: Wetlands Mapper. Accessed: May 8, 2024. Available at: https://www.fws.gov/wetlands/data/Mapper.html

WDFW (Washington Department of Fish and Wildlife), 2024. Priority Habitats and Species Map. Accessed May 8, 2024. Available at: https://wdfw.wa.gov/species-habitats/at-risk/phs/maps.



WASHINGTON STATE US Army Corps of Engineers • Seattle District Joint Aquatic Resources Permit Application (JARPA) [help]

Attachment C: Contact information for adjoining property owners. [help]

Use this attachment <u>only</u> if you have more than four adjoining property owners.

Use black or blue ink to enter answers in white spaces below.

Date	received:
Ageno	cy reference #:
Tor D	
I ax r	2arcel #(s):
	arcel #(s):
	arcel #(s):
	TO BE COMPLETED BY APPLICANT [help]
·	

1. Contact information for all adjoining property owners. [help]					
Name	Mailing Address	Tax Parcel # (if known)			
Edward M. & Frances E. Evans	7693 East Journey Lane	405310331335			
Euwaru IVI. & Frances E. Evans	Scottsdale, AZ 85255-4646	405310331335			
Muir Family US Real Property	5850 Sperling Avenue				
Trust Carol Muir TR	Burnaby, BC V5E 2TJ	405310337336			
Dishard & Carolyn Jonzon	2846 Semiahmoo Trail	405310342337			
Richard & Carolyn Janzen	Surrey, BC V4P 1H3	405310342337			
Lorraine A. Palmer, Linda S.	220-4800 No. 3 Road				
Chrystal, Carolyn G. Convey, Kim M. Streit	Richmond, BC V6X 3A6	405310348338			
Morry I Mitchell	502-5989 Iona Drive	405210254220			
Mary J. Mitchell	Vancouver, BC V6T 2L7	405310354339			
Baker Family Trust	23 Waikalani Hema Pllace	405310359341			
Tyler P. & Laura E. Baker TR	Kihei HI 96753-7371	405310359341			
Christing Lougy	1515 Laurier Avenue	405210266242			
Christina Louey	Vancouver, BC V6J 2V2	405310366342			
John R. Souwer	20222 Wharf Street	405310372342			
John B. Sawyer	Maple Ridge, BC V2X 1A3	405310372342			
Marco D. Cornale	20-3103 160 Street	405310378343			
Stacy L. Elliott	Surrey, BC V3Z 0N6	400010070040			
Clive & Colleen 1661 Trust	1661 Edwards Drive	405310384344			

Clive G. & Colleen L. Boomer TR	Point Roberts, WA 98281-8511		
Cantas Family Trust	4211 Angus Drive	405240200245	
Hector Cantas TR	Vancouver, BC V6J 4J1	405310390345	
Lorno D. & Karant Nielson	1669 Edwards Drive	405240206246	
Lorne R. & Karent Nielson	Point Roberts, WA 98281-8511	405310396346	
Point Roberts Resort LP	713 Simundson Drive	405240424204	
	Point Roberts, WA 98281-8510	405310434391	
Franco Trasolini	2964 28th Avenue West	4053104703830013	
	Vancouver, BC V6N 2N7	4053104703630013	
Anuja Varshney & Mainra	3886 38th Avenue West	4052404702020024	
Holding Corp	Vancouver, BC V6N 2Y4	4053104703830021	
Fadi Samaha	PMB 152 1574 Gulf Road	405040470000	
Fadi Samaha	Point Roberts, WA 98281-9007	405310470383	

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-014 rev. 10/2016





AGENCY USE ONLY					
Date received:;					
□ Application Fee Received; □ Fee N/A					
□ New Application; □ Renewal Application					
Type/Prefix #:; NaturE Use Code:					
LM Initials & BP#:					
RE Assets Finance BP#:					
New Application Number:					
Trust(s):; County:					
AQR Plate #(s):					
Gov Lot #(s):					
Tax Parcel #(s):					

Complete this attachment and submit it with the completed JARPA form <u>only</u> if you are applying for an Aquatic Use Authorization with DNR. Call (360) 902-1100 or visit <u>http://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions</u> for more information.

- DNR recommends you discuss your proposal with a DNR land manager before applying for regulatory permits. Contact your regional land manager for more information on potential permit and survey requirements. You can find your regional land manager by calling (360) 902-1100 or going to <u>http://www.dnr.wa.gov/programs-and-services/aquatics/aquatic-districts-and-land-managers-map</u>. [help]
- The applicant may not begin work on DNR-managed aquatic lands until DNR grants an Aquatic Use Authorization.
- Include a \$25 non-refundable application processing fee, payable to the "Washington Department of Natural Resources." (Contact your Land Manager to determine if and when you are required to pay this fee.) [help]

DNR may reject the application at any time prior to issuing the applicant an Aquatic Use Authorization. [help]

Use	black	or blue	ink to	enter	answers	in ۱	white	spaces	below.	

WASHINGTON STATE

Joint Aquatic Resources Permit

Application (JARPA) [help]

Attachment E:

Aquatic Use Authorization on

Department of Natural Resources

(DNR)-managed aquatic lands [help]

1. Applicant Name (Last, First, Middle)					
Levine, Steve					
2. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]					
Point Roberts Marina Annual Bypass Dredging and Beach Nourishment Project					
3. Phone Number and Email					
(360) 945-2255					
4. Which of the following applies to Applicant? Check one and, if applicable, attach the written authority – bylaws, power of attorney, etc. [help]					
Corporation Individual					
⊠ Limited Partnership	☐ Marital Community (Identify spouse):				
General Partnership					
□ Limited Liability Company	Government Agency				
Home State of Registration: Washington	□ Other (Please Explain):				

5. Washington UBI (Unified Business Identifier) number, if applicable: [help]

602-703-347

6. Are you aware of any existing or previously expired Aquatic Use Authorizations at the project location?

 \boxtimes Yes \Box No \Box Don't know

If Yes, Authorization number(s): 31-094939

7. Do you intend to sublease the property to someone else?

 \Box Yes \boxtimes No

If Yes, contact your Land Manager to discuss subleasing.

8. If fill material was used previously on DNR-managed aquatic lands, describe below the type of fill material and the purpose for using it. [help]

The Point Roberts Marina performs annual bypass dredging operations in areas east and west of the marina entrance to maintain the natural transport of sediments along the shoreline. Beach sediments dredged from the east and west harvest area are composed of sand, gravel, and shell fragments from nearby sea-cliffs. This material is then trucked to the western side of the marina channel entrance and used for beach nourishment to maintain the normal littoral transport of native beach materials along the south shore of Point Roberts and to provide forage fish habitat.

To be completed by DNR and a copy returned to the applicant.

Signature for projects on DNR-managed aquatic lands:

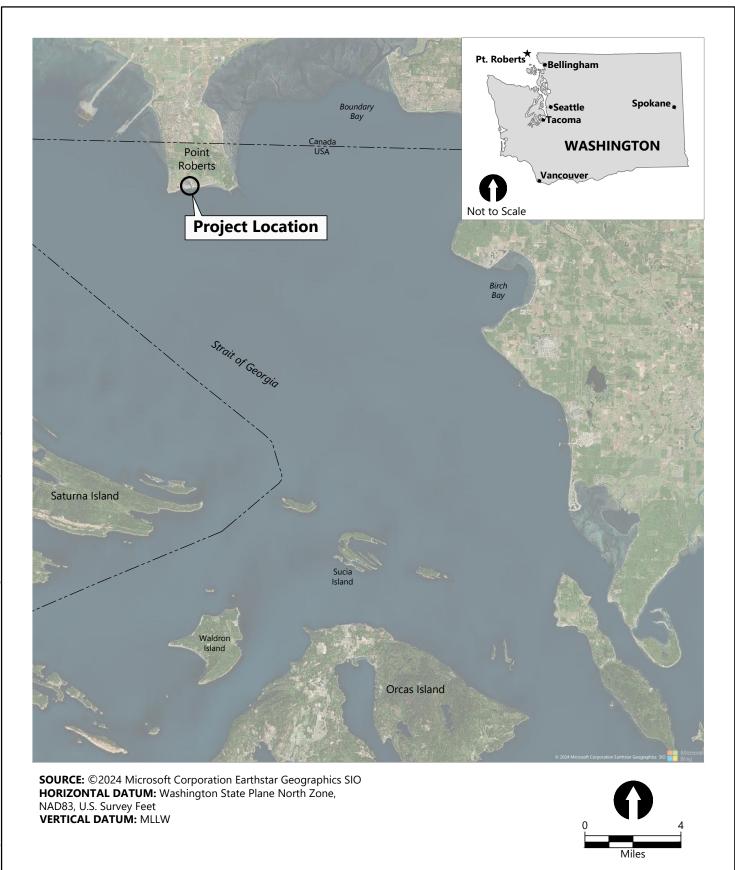
Applicant must obtain the signature of DNR Aquatics District Manager OR Assistant Division Manager if the project is located on DNR-managed aquatic lands.

I, a designated representative of the Dept. of Natural Resources, am aware that the project is being proposed on Dept. of Natural Resources-managed aquatic lands and agree that the applicant or his/her representative may pursue the necessary regulatory permits. My signature does not authorize the use of DNR-managed aquatic lands for this project.

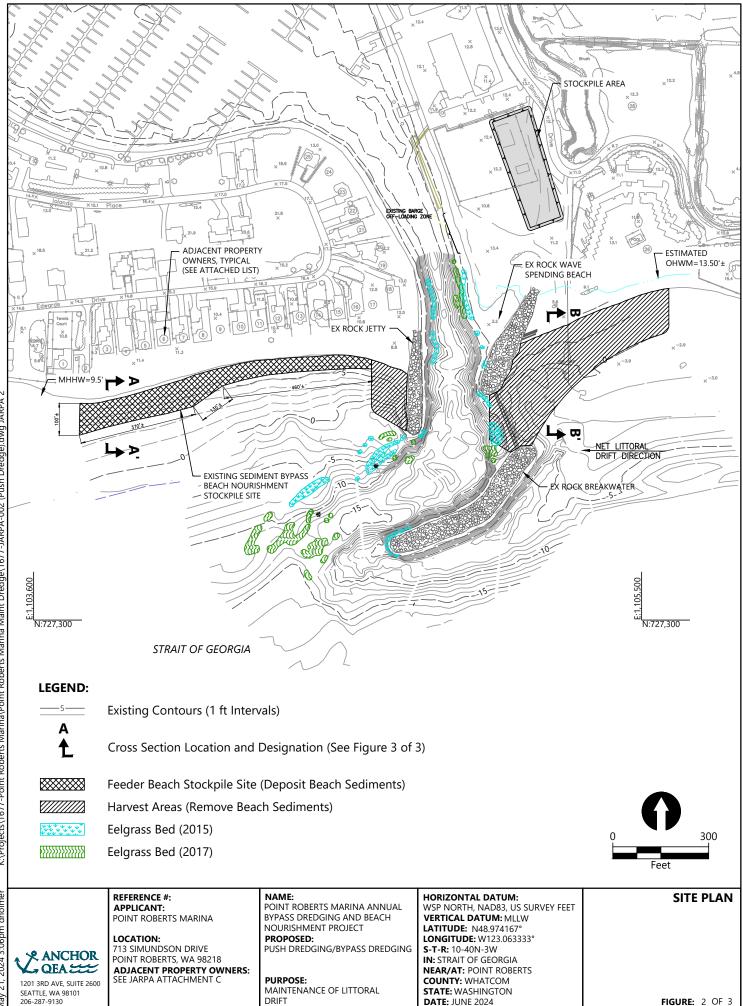
Printed Name Dept. of Natural Resources District Manager or Assistant Division Manager Signature

Dept. of Natural Resources District Manager or Assistant Division Manager Date

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA Publication ORIA-16-016 rev. 10/2016



ANCHOR QEA	REFERENCE #: APPLICANT: POINT ROBERTS MARINA LOCATION: 713 SIMUNDSON DRIVE POINT ROBERTS, WA 98218 ADJACENT PROPERTY OWNERS: SEE JARPA ATTACHMENT C	NAME: POINT ROBERTS MARINA ANNUAL BYPASS DREDGING AND BEACH NOURISHMENT PROJECT PROPOSED: PUSH DREDGING/BYPASS DREDGING	HORIZONTAL DATUM: WSP NORTH, NAD83, US SURVEY FEET VERTICAL DATUM: MLLW LATITUDE: N48.974167° LONGITUDE: W123.063333° S-T-R: 10-40N-3W IN: STRAIT OF GEORGIA NEAR/AT: POINT ROBERTS COUNTY: WHATCOM	VICINITY MAP
		PURPOSE: MAINTENANCE OF LITTORAL DRIFT		FIGURE: 1 OF 3



DATE: JUNE 2024

206-287-9130

FIGURE: 2 OF 3

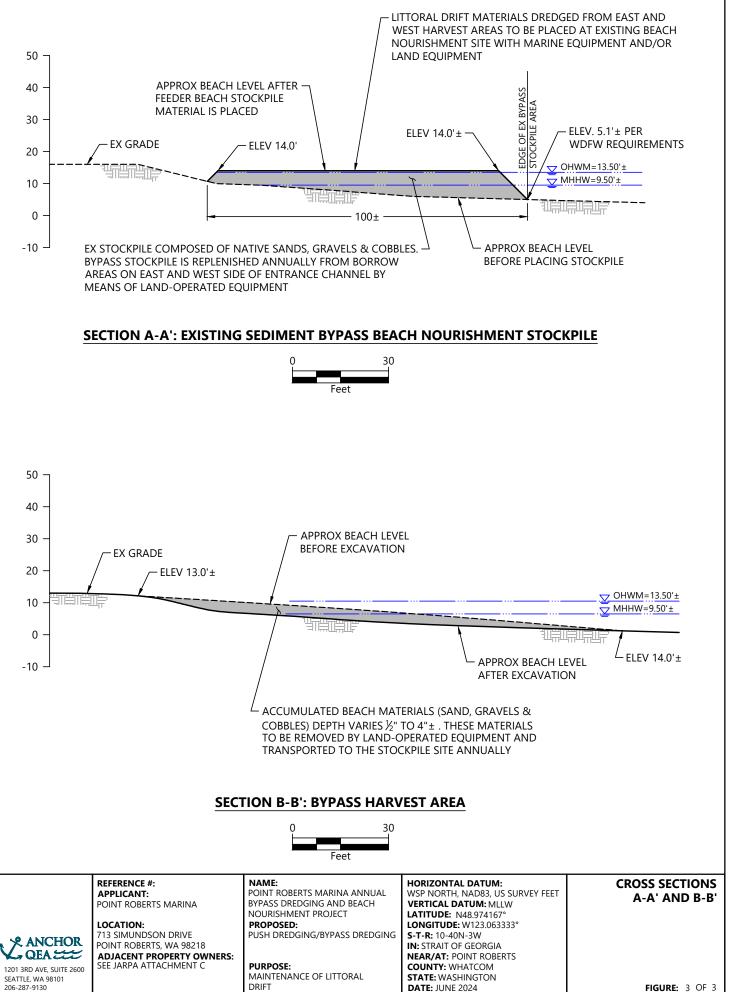


FIGURE: 3 OF 3